

JUL 31 2013

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BARRY W. FREEMAN,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

Civil Action No. 7:12cv00050

By: Michael F. Urbanski
United States District Judge

ORDER

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on July 10, 2013, recommending that plaintiff's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted and the Commissioner's final decision be affirmed. Plaintiff has filed objections to the report and recommendation, and the Commissioner has filed a response.

The court has reviewed the magistrate judge's report, the objections to the report, the arguments of counsel, and the pertinent portions of the administrative record and, in so doing, made a de novo determination of those portions of the report to which the plaintiff objected. The court finds that the magistrate judge was correct in concluding that there is substantial evidence in the record to support the ALJ's decision. Accordingly, the court accepts the magistrate judge's recommendation that the Commissioner's decision should be affirmed.

It is therefore **ORDERED** and **ADJUDGED** that plaintiff's motion for summary judgment (Dkt. # 10) is **DENIED**, the Commissioner's motion for summary judgment (Dkt.

13) is **GRANTED**, the report and recommendation (Dkt. # 17) is **ADOPTED in its entirety**, the Commissioner's decision is **AFFIRMED**, and this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: July 30th, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge